DELEGATES TO THE CONSTITUTIONAL CONVENTION.



MONS PETERSON.

leaving two children motherless. Two years later Mr. Peterson moved to Moah, Grand county, where he has since been eigaged in stock-raising, fruit-growing and the mercantile huaness. He has the largest orchard in Grand county. Mr. Peterson held several official positions in Weber county, and served a term as selectman of San Juan county. He is one of the most valuable members of the convention. His opportunities in his youth for attendance at school were limited, but he has been well schooled in the practical affairs of life.

THEODORE BRANDLEY

Was born at Zurich, Switzerland, December 7, 1851; emigrated to Utah in 1872; rearried Mary E. Nageli at Selt Lake parried slary E. Nagell at Selt Lake
City, July 8, 1872; moved to Bichfield, Sevier county, in November, 1871; engaged
in farming for several years, was elected
first assessor and collector for the city of
Elichfield after its incorporation in 1878.
Engaged in mercantile business in 1881,
and has followed this occupation ever
since. He has made two tripe to Europe,
one of two and the other of tures years'



THEODORE BRANDLEY.

ern states for nearly two years. Re-turned from Europe in the fall of 1801, was chasen chairman of the Republican committee of Sevier county in 1802; held that position until last fall. Was appoint of recorder for the city of Richheld in ed recorder for the city of Richfield in 180, and elected mayor in the fall of 180, which position he now holds. In Decem-dr, 1802 his wife died and left him with six children Mr. Brandley has served the public almost continuously since 1876.

As "Before the falcon shrinks the hard of meaner wing," so do all inferior baking powders, since Dr. Price's won supremary at the World's and Midwinter fairs.

Night—At the Grand.

The charming comedianne. Emily lancker, and her excellent company, will revent the new musical comedy hit, Our Flat," at the Sait Lake theatre, for we performances only, besiming this voining. "Our Flat," is a bright, sparking farce, which was well received on its rat production in London several years go, drew large houses at the Lyceum leatre. Now York, and is running now the Strand theatre.

The story of the play deals with two large persons who have rushed into attrimony on the Micawher principle; ving from hand to mouth in a London provision will be made for bringing. Bancker, and her excellent company, will present the new musical comedy . hit,

get a foothold in the literary sphere, which they ultimately acquire both me and fortune.
The performance is said to be cheerful d full of fun, and makes a satisfactory sing's entertainment judging from newspaper reports where they have no theybre.

AT THE GRAND.

Mrs. Winthrop."

Although such a short time has elapsed since the first presentation at the Grand Opera house of Bronson Howard's comedy-drama "Young Mrs. Winthrop," it does not seem that on this account the second presentation will suffer in consequence by small and will suffer in consequence by small and attenuated audiences. The opera house lately has been as well attended BA Monday evenings as on any evening in the week, and last night was no exception to the rule. The presence of any hitches or stumbles, the usual accompaniment to first right performsecompaniment to first right performances, were last evening conspicuous by their absence. This, no doubt, was due in a great extent, to the play having run for a week previously, and also to the fact, that no change was made in the cast barring that of Howard layle as Burton Scott in lieu of Harry Onson Clark, and Hugh Ward in the role of Herbert previously assigned to Mr. Kyle. It was in this play that Victory Bateman as Constance Winthrop quaffed an almost inexhaustable measure of praise from both public and press. Her conception of the character last evening was in every way equal last evening was in every way equal to that given on the first occasion. In saying this, we do not thin: that it would be possible to award her greater praise. Comparisons, of course are would be possible to award her greater praise. Comparisons, of course, are in wretchest taste, but it is sometimes necessary to infrince upon the laws of good-breeding a 4 make comparisons that are not flattering to both parties concerned. This is one of the cases. Careful as was the Buxton Scott of Howard Kyle, it was nevertheless a characterization both strained and actificial, and lacking in that case and perfect naturalness of manner that was ever present with

MONS PETERSON.

Who represents Grand county, was born sear Stockholm, Sweden, April 28, 1861. He came with his parents to Utah while yet very young, the family settling at Huntsville, Weber county, where his mother died when he was but seven years old. Mr. Peterson livel at Huntsville died when he was but seven years old. Mr. Peterson livel at Huntsville died when he was but seven years ato, and was married there on February 12, 1861. to Miss Eliza D. Hammond, daughter of Bishop Hammond, He removed to San Juan county in 1887, localing at Menticelle, in the Blue mountains. His wife died there in 1888, everything went smoothly and evenly. "Young Mrs. Winthrop" will be played tonight and tomorrow night. Thursday night "Moths."

Wenderland.

The entertalnment offered to the "Saction four of the paralling act fixes subjects."

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Continued from Page 1.)

Continued from Page 1.)

Two Provisions.

Two Provisions.

"Section four of the enabling act fixes quite amusing. The "Happy Hottentois" perform some clever acrobatic feats and the Irish comedians favor the audience with a number of comic songs. Professor Anderson presents the Asianto trunk mystery and Foster, Henderson and Little Jim continue to be great favorites.

A handsome souvenir will be presented to every lady who attends the performance on Wednesday afternoon.

Aluminum is not made from alum and neither is Dr. Price's Cream Bek
Meutien of One Excluding Others.

The Great Salt Lake and Hot Springs railway reached Woodman, opposite the gas fields, yesterday, and it is expected will be at Farmington by the end of this week. The material is arriving in good shape, so that there can be no delay on that ground.

The Huntington Case.

New York, April 29.-The World this morning publishes a long interview with C. P. Huntington. In conclusion the

morning publishes a long interview with C. P. Huntington. In conclusion the World says:

"The fact that he has been arrested and threatened with the law's ferocity does not seem to worry Mr. Huntington. He says it would almost have been better it ail railroad men had agreed to obey the interstate commerce law, as it would long since have been repealed had they done so, but he is free from care in respect to the matter."

Rehearing Denied. Washington, April 29.—The Supreme

court today denied petitions for a rehear-ing in the case of the St. Louis & San Francisco Ballway company vs. Gill and three other defendants in error.

Will Consider Efficiency.

Cleveland, O., April 29.—It is rumored in railroad circles that a rule will soon be put into force on the railroads in the Vanderbilt system, which, in brief, is that hereafter officials when making promo-tions among the employees, will consider only efficiency.

only emclency.

It is said that if the rule is adopted it will be met with stubborn resistance by the men. the men.

Chief Arthur, of the Engineer's Brotherhood, in discussing the matter, said:
"I should think the enforcement of such a rule would be injurious to the best interests of the company.

terests of the company.

"Our contracts with the railroads expressly provide that when all things are equal the preference shall be given to the meia who have served the company longest. If such a rule is adopted the engineers will, I think, use every honorable means to combat it."

President Caldwell, of the Nickle Plate, asserted that he had not heard anything about it.

United States circuit court at St. Louis, Judge Caldwell granted an ap-plication for the separation of the Colorado Midland from the Santa Fe system. It was the result of an amic able arrangement. A. F. Walker, John J. McCook and J. C. Wilson re-signed as receivers, and in their stead Henry Ristue was appointed. Judge Caldwell fixed Mr. Ristue's bond at \$25,000.

"OUR FLAT."
The Colorado Midland has a total mileage of 350, the main line running from Colorado Springs to New Custle, a distance of 232 miles. There are a

drew large houses at the Strand theatre. The story of the play deals with two large persons who have rushed into attrimony on the Micawher principle: ving from hand to mouth in a London at, husband and wife alike striving hard at, busband and wife alike striving hard at, busband and wife alike striving hard that food within the fold at some future time. Now the Midland people think that this is a good chance for them to show their strength and optimately acquire both the show their strength and optimately the show their strength and optimately acquire both the show th them to show their strength and op-erate their fine independently. We, of the Santa Fe have no objection. The roads will maintain friendly relations and the change may or may not be beneficial."

Railway Notes.

FIRE AND POLICE.

Gilbert and Clarke's Reinstatement

Discussed-Other Business. pollee commissioners hast aight, the members of the body discussed the decision of the Supreme count in reinstating Gilbert and Clarke. It was agreed that there was only one course to pursue, and that is to obey the mandate of the court. But no definite action was recorded. There is something in the background which remains to develop. It appears that there is an impression prevailing that the action of the board in handling the charges against the two men was lilegal, in this that it was not properly conducted; that if they were made even at this inter day in regular form they would stick. So it is not beyond the bounds of possibility that all this work may be done over again. The Herald does not say this on the authority of anyone who desires to be quoted. As is well known the acts of the commission are behind closed doors, and anything obtained must be got piecemeal from such of the members as choose to leak a little.

Ernest R. Eldredys was appointed a

anything obtained must be as choose to from such of the members as choose to leak a little.

Ernest R. Eldredge was appointed a special policeman without pay. He will round up wheelmen who violate the ordinance, and as he has become an aspirant for professional bonors it is presumed that Hewett who now holds the honors, will have to look out for his laurels.

The commissioners have decided to wear g balge, and a pattern of a new and improved variety was submitted for inspection. The board decided that the sample was too large and will examine plans and specifications of other and smaller once at its next meeting. that was ever present with the stand of the sample that was ever present with the sample was too large and will examine plans and specifications of other and smaller ones at the sample was too large and will examine plans and specifications of other and smaller ones at the sample was too large and will examine plans and specifications of other and smaller ones at the sample was too large and will examine plans and specifications of other and smaller ones at the sample was too large and will examine plans and specifications of other and smaller ones at the sample was too large and will examine plans and specifications of other and smaller ones at the sample was too large and will examine plans and specifications of other and smaller ones at the sample was too large and will examine plans and specifications of other and smaller ones at the sample was too large and will examine plans and specifications of other and smaller ones at the sample sample.

Continued from Page 1.)

Two Provisions.

Aluminum is not made from alum and neither is Dr. Price's Cream Beking Powder, whose purity is well known.

"It is supposed by some that the per-

IN RAILWAY CIRCLES.

IN RAILWAY CIRCLES.

IN RAILWAY CIRCLES.

PROGRESS ON THE HOT SPRINGS

ROAD EXTENSION.

It Will Be Completed to Farmington
By the End of This Week—Huntington's Case—Latest By Wire—
General Notes.

The Great Salt Lake and Hot Springs

The Great Salt Lake and Hot Springs

The Great Salt Lake and Hot Springs

railway reached Woodman, consents the

Mention of One Excluding Others.

"It is supposed by some that the persons this mention of need person or class is an exclusion of others.

"The maxim is sound and applicable; for the right to vote at this election must be granted and the right can be exercised only by those to whom it is granted. The maxim will cover the cumulative enumeration, and others in another section, and the maxim will cover the cumulative enumeration, and only those mentioned in either section will be excluded.

"Does section four profess to confer the right to vote, and by a different and possibly more comprehensive description that contained in section two."

Qualified Under Statehood.

qualified Under Statehood.

"We think it dees—The qualified voters of the proposed state," are manifestly those who will be qualified "sters when the proposed state, becomes a state; those who possess the qualifications that the constitution of the proposed state requires. The persons declared entitled to vote in section two are not declared in that section two are not declared in that section to be qualified voters of the proposed state; and in our judgment the constitution might be so framed that no male clitzen only twenty-one years of age could vote; that no citizen who has not resided in Utah longer than one year could vote. On the other hand, the constitution may so define the qualifications of voters that they may exercise the right at and from eighteen years of age, and after six months residence. If so, it may define the right in a manner to make no distinction between the sexes. The qualified voters of the proposed state according to the requirements of the constitution, including the persons mentioned in section two, whether they possess all the constitutional qualifications or not, would seem plainly to be the persons to whom the constitution must be submitted. In other words, if women are granued in the constitution the right to vote, they have the right to vote on the ratification or rejection of the constitution.

Requiring Residence.

Requiring Residence.

Requiring Residence.

"It has been suggested that the expression 'qualified voters of the proposed state' means the voters within the boundaries of Utah, and has no force to require anything but being voters within that area. Doubtless it requires residence within that area, for it requires them to be 'qualified voters.' To be such they must have all the qualifications enumerated in the constitution.

"It should be borne in mind that constitutions generally prescribe the qualifications of the persons to whom the question of their adoption is summitted. Those who will be qualified to vote after the adoption of a constitution, may be fitty trusted to decide whether it shall be adopted.

The American Practice.

The American Practice.

ongest. If such a rule is adopted the encineers will. I think, use every honorable means to combat it."

President Caldwell, of the Nickle Plate, asserted that he had not heard anything about it.

The Midland Divorce.

St. Louis, April 9.—Today in the United States circuit court at St. Louis, Judge Caldwell granted an application for the separation of the Colorado Midland from the Santa Fe Colorado Midland from the Santa Fe.

The Political Complexion. Squires-What is the political com-

plexion of the signers of that paper? Are they all Democrats? Richards—George Sutherland, I be-lieve, is an orthodox Republican. At any rate, he passed as a candidate

for delegate to Congress.
Goodwin-Do you believe that when
Congress passed the enabling act it
intended the women should vote on constitution?

Richards—They intended so if the women were given the suffrage. Goodwin—I do not think they considered the subject.

Ivins said he was opposed to the whole question. He is not a lawyer, but he does not believe that the enabling act could be given the construc-A Fatal Error.

Varian said that the opinion which had been read was founded on isolated terms and sentences. If this construcn were admitted, the constitution and be submitted even to allens could be submitted even to allens. When the state government is perfected allens may be allowed to vote. That is a matter of state policy. The whole question is settled in section 2, in which Congress made the declaration of who should vote. The language relied on by the other stile came under the head of the manner of voting. With all deference, taking into consideration the fact that voting. With all deference, taking into consideration the fact that woman suffrage has always been excluded by Congress, the women are necessarily excluded. The other construction is far fetched. He 'unew that his views were upheld by many of the most distinguished members of the Utah bar.

Elchards—If the construction of Index Sutherland and the others is

Judge Sutherland and the others is correct, would it not defeat the con-stitution if the women were not al-lowed to vote?

force in that, Even to Allens.

Bichards—Then on the ground of prudence had we not better take all the votes, keeping them separate, rather than commit a faml error? Varian—I think there is a great deal

of force in that.
Elshnor cited Washington as a pre-cedent against the proposed action.
Thurman said early in the convention he had given it as his opinion that women could not vote at the first election. Moreover, he had been compelled to change by looking up the law on the question. He failed to pelled to change by looking up the law on the question. He failed to see what the political complexion of the lawyers who gave the opinion had to do with the question unless the question of woman suffrage had become a partisan one. In section 2 Congress did not want to limit the body of voters to those mentioned, but it simply provided that those whive the constitutional convention should be allowed to vote for the congulativition. Congress in section 4. says the voters of the in section 4, says the voters of the proposed state. If the construction of Varian were cartied out why did not Congress say the voters of the territory. Why should no people who shall vote on state officer's be slicwed to vote as to shall have the constitution? Why should a condition be forced on them if they do not want it?

Roberts said he still holds to the proposition that women cannot vote either for the constitution or the first state officers. Women are unenfranchised until the constitution is adopted. It is an absurdity to contend that unenfranchised factors should be allowed to vote. It might be said that he, looking upon woman suffrage as an evil, would want to put off that evil as long as possible. The people will become heartily sick of the thing soon enough. Bowdle said the suffragists were becoming soared. They were afraid the men would not carry the constitution and therefore they wanted to take the chance of calling the women to their aid. Unexpected Factors.

Murdock, of Beaver, opposed the amendment. Raleigh spoke against the amend-ment. He said there is nothing in the enabling act which would make it pos-sible for the women to vote on the constitution.

On State Officers.

Maloney said he admitted the women Maloney said he admitted the women cannot vote on the constitution. But he had understood there was no difference of opinion as to whether the women had the right to vote for state officers. He agreed that for the women to vote for the constitution would be like a dead man voting to make himself alive. But the enabling act left the other open for the convention to settle. settle

Harnes, of Davis, said the women cannot vote until the constitution has been ratified.

The Convention Revolutionary.

Evans, of Weber, said tection 2 of the enabling act simply enfranchised certain persons who had been previously disfranchised and provided that these could vote for the constitution. The convention, unless specially limited, has the right to say who shall vote. In its very nature a constitutional convention is revolutionary. In the absence of any limitation it has the right to make any kind of government it may choose. This body was revolutionary though peaceable. It is supreme in the exercise of a power to say who shall vote in the state. In the absence of restriction it has the power to enfranchise or disfranchise. The convention is creating state of fleers as it is creating the state. These officers will never take their seats unless the constitution is adopted. Over them the convention has plenary power. It is as clear as a proposition in Euclid that women have the right to vote for state officers. Members would be recreant to their duty if they denied that right.

No Authority For It. The Convention Revolutionary.

would be recreant to their duty if they denied that right.

No Authority For It.

Varian said there was no authority for legislation by the convention. It is not supreme. Congress still retains its nower.

Both Maloney's and Richards' amendments were voted down and the convention took a recess from 12:25 until 2 o'clock.

Upon reassembling in the afternoon the complities of the afternoon the complities of the completes of the complete of th

"Gentlemen—The women of Salt Lake City, who appreciate the labors of the convention in the interest of the coming state, desire the pleasure of entertaining the delegates and their ladies, including all officers of the assembly, at a reception given in their honor, at the Templeton hotel, in this city, on Thursday, May 2, from 9 o'clock until 11 in the evening. The reception is tendered the convention in behalf of the women of Utah." Clerk Christensen snickered and turned the invitation over.

"There is this postsoript," he said, still snickering.

The Ever Present Posteript. "Mr. President. P. S. The invitation

"Mr. President. P. S. The invitation is without signatures as it was thought that possibly some members might ask how many yards of them there were attached."

The convention hardly seemed to know what to do with this. There has been so much of a peculiar nature during the woman suffrage fight that there was a strong inclination to smile.

Squires—I do not know how to take bands ar

Squires-I do not know how to take this thing. We don't know whether the invitation is genuine or whether it

thereunder from the liabilities of the lessor or grantor, lessee or grantee, contracted or incurred in operation, use or enjoyment of such franchise or any of its privileges. Lost.

Kimball, of Salt Lake, moved to amend section 9, so that franchises for steam railways could not be given along a street without the consent of two-thirds of the abutting property owners. This was designed to prevent two-thirds of the abutting property owners. This was designed to prevent a repetition of what Kimball called the wrong that had been done by the building of the Hot Springs railway, but it was voted down.

On motion of Kiesel it was made obligatory on foreign corporations to file certified copies of their articles of incorporation with the secretary of state.

Ryah onered and the Ryah of th the company, in consequence of any neglect of the agents or other employ-neglect of the agents or other employ-orce in that. Anderson again attempted to strike out section 11, making it impossible for corporation employees, officers, at-torneys, or agents, to hold municipal ffice, but he was again heavily voted

Telephone and Telegraph.

Telephone and Telegraph.

On motion of Richards, the whole section, relating to telegraph and telephone companies, and requiring them to transmit the messages of each other without discrimination or delay, was stricken out.

Another fight came up on the question of passes on railreads for public officers, and Evans, of Weber, moved to reinsert the section prohibiting the giving of such. Thatcher said he would vote for the section if it could be made operative; but it cannot be made so. made #0. Varian-Would a judge of the su

prese or district court take a pass if it were against the law? They are supposed to uphold the law? They are supposed to uphold the law. That her—Well, if a judge were to buy a taket and he should afterwards releive a remittance of the smount, f do not suppose there would be any great objection. est objection. tion was left out by a vote

The s Insurance Again. of Weber, moved to reinsert section 35, making stockholders of in-surance companies doubly liable on their stock. The motion carried by a vote of 45 to 22. Ivins immediately moved to reconsider the vote and de-bate came up, in the course of which, Evans, of Weber, asked if it were true that the section had previously been stricken out, because of insurance men on the floor of the convention. James denied that this was so, but

James denied that this was so, but appealed to Barnes a few minutes later, as one interested in the Home Insurance company.

Evans, of Weber-Well, do you want to legislate for a delegate?

James-Not at all, I asked for information

formation.

Barnes—I do not ask favors for me or for the Home Fire Insurance com-

pany.

Evans—I wanted to cast no reflec-tions on the gentleman, but we should consider principles, not an individual or corporation.

President Smith Gets Wild. The motion to reconsider section 25 carried by a vote of 36 to 29, and President Smith ruled that this left the section stricken out. Evans, of Weber, apealed from this decision, but before there could be any statement, the president took the bit in his mouth and put the question to a vote. He would not recognize Evans and would not wait until he had declared llumphantly "the chair is sustained."
Evans, of Weber, moved to reinsert section 33, making the bills of banks preferred over all creditors, but the motion was defeated.

Against the Whole Article.

After some more motions had been defeated. Thurman arose and said that he would vote against the whole All that was really good in it had been stricken out. All the mat-ters covered were in the power of the legislature.

legislature.

Preston said he heartily agreed with this view.

Evans, of Weber, said that all the work done with the article was in the interest of corporations. The whole thing had been patched around in such a way that it was no longer of any use. He would vote against it.

Farr said he had wanted to strike out the enacting chase several days. out the enacting clause several days ago and would now vote against the article.

Maloney said he wanted the article

to go through. The conclusions of the centlemen had been drawn too hastily. Ivins—Does it not take a majority of all the delegates to pass the ar-

vention took a recess from 12:25 until 2 o'clock.

Upon reassembling in the afternoon the committee of the whole quickly disposed of the balance of the article on schedule, without important amendments, and then the committee arcse, A Curious Invitation.

The following communication was read:

"To the Honorable President, Officers and Members of the Constitutional Convention:

"Gentlemen—The women of Salt Lake City, who appreciate the labors of the convention in the interest of the coming state, desire the pleasure of entertaining the delegates and their of entertaining the delegates and their laddes including all officers of the article following vote:

The Interesting Vote.

Ayes—Allen, Anderson, Barnes, Bow-his in the Brandley, Button, Cannon, Chi-dester, Christiansen, Clark, Coray, Crane, Driver, Eichnor, Emery, Green, Heyborn, Hill Howard, Hyde, Ivins, James, Jolley, Kimball, of Weber; Lambert, Lauritz Larsen, Lemmon, Peter Lowe, Lund, Mailoney, McParland, Murdock, of Beaver; Murdock, of Summit; Nebeker, Page, Partridge, Peterson, of Grand; Peterson, of Sampter; Robertson, Robinson, of Kane; Robinson, of Wayne; Snow, Squires, Stover, Sympas, Thompson, Varian, Wells, Williams.—?

Noes.—Boyer, Call, Corfman, Creer, Varian, Wells, Williams.—?

Noes.—Boyer, Call, Corfman, Creer, Varian, Wells, Williams.—?

dainties.

TRANSFERRING THE COURTS.

Amendment to Be Proposed to the Article on Schedule.

Prestor—We cannot take action on the invitation without we know from whom it comes.

Amendment to Be Proposed to the Article on Schedule.

The invitation from Chief Devine to witness an exhibition of the fire department at 12:20 tomorrow was accepted withtake.

The convention then took up on third eading the article on private corporations.

The convention then took up on third eading the article on private corporations.

James moved to strike out section 7, prohibiting corporations from leasing the the tendence of transferring the system of course and beyong the third witness was also present divined the article on property held the property of the property of the article of t

Sight is improved by Dr. Shelmer-dine's glasses when others fail.

FRAGRANT

VANITY FAIR CIGARETTES FRAGRANT JANITY FAIR AGNE BUT TAE FINEST TURKISA

TOBACCO & THE HIGHEST SKILLED WORKMEN EMPLOYED IN MAKING TAESE CIGARETTES WMS KIMBALL&CO The American Tobacco & Successor

Point were present, Judge Dey appeared for Rudy, At-

witness, said that in the summer of 1892, he met Englebretzen at Taylorsville. He wanted to hire a man and asked this defendant to go to work but Englebretzen said he was afraid to work in that vicinity as he had had a row with an Englishman (he and Rudy) and had nearly killed him and was afraid of the officers coming after him. George Henry Winters of this city, knows Englebretzen and in March, 1894, was herding with him. Englebretzen had trouble with Frank Rudy over some sheen. Young Rudy came up next morning and he (Englebretzen) and Rudy had a fight. After it was house Over this Engle pretzen to their some left of the former in 1892. Rudy said Barnard toold Englebretzen the Rudys had compelled him to carry coal from George Kellorg's engine to their house. Over this Rudy na a witness, said that in the summer of 1892, he met Englebretzen at Taylorsover some sneen. Young Rudy came up next moening and he (Englebretzen) and Rudy had a fight. After it was over Englebretzen came up with his hand bleeding and witness asked him why he didn't have Rudy arrested. Englebretzen said he could do better. "He could burn them up." They had a quarrel and young Rudy had beaten Barnard into insensibility and then jumped on him until he was "silly." The witness said that Frank Rudy and his son afterwards went out in the night and disposed of him. Englebretzen afterward said that he had heard that Barnard was in Idaho. Englebretzen said that Rudy and son had buried the dog belonging to Barnard. Englebretzen afterward told witness he must not believe the reports that he was a bad man.

William Naylor of this city, who owns a ranch in Mountain Dell, knew Barnard and saw him in 1892. He came over one day and commissioned he heing

Peterson, of Grand; Peterson, of Sanpete; Robertson, Robinson, of Kane; Robinson, of Wayne; Snow, Squires, Stover, Symons, Thompson, Varian, Wells, Williams.—? Noes.—Boyer, Call, Corfman, Creer, Cunningham, Engberg, Evans, of Weber; Evans, of Utah; Farr, Hammond, Haynes, Halliday, Johnson, Kiniball, of Salt Lake; Maeser, Morris, Murdock, of Wassatch; Preston, Ricks, Roberts, Sharp, Thoresen, Thorne, Thurman, Whitney.—26.

They called him "England." The last time he was at the ranch, he contended that he had been besten by some boys. Later in the day, three boys came and inquired for "England." Said they would "fix him" if they could find him. The witness remonstrated with them, saying that "England" was of a weak mind and what he might say ought not to be noticed.

The witness then identify the witness remonstrated with them, saying that "England" was of a weak mind and what he might say ought not to be noticed.

noticed.

The witness then identified young Rudy and Englebretzen as two of the hoys. They took Barnard's trail. Never saw or heard of Barnard again. The boys said that "they would fix the son of a b—h."

On cross-examination, the witness said that Englebretzen and Rudy used very abusive language when they were at the ranch. The pair declared that they had visited the camp but could not find Barnard and they "wanted to get him." This remark was made three or four times.

Joseph McCrae, of Moultain Dell, was herding sheep in 1892 and saw Barnard's camp in Emigration canyon in July or August. The sheep and the camp were there, but Barnard was gone. The tent flaps were open and the interior disarranged. The winess shouled but no one responded. The dog came and witness watted for a time, thinking Barnard would come, but he did not. He went hack a week later and the camp was in the same condition. The dog was still there, but no man.

On cross-examination, witness said tweek later he saw Willis Rudy at

On cross-examination, witness said a week later he saw Willis Rudy at the camp. Was only with him a min-ste and nothing was said about Bar-

John Edward Barnard, a brother of Albert Barnard, said he last saw the latter in June, 1892, in this city as he was passing through with Orson Rudy's herd. Albert owned about fifty of the sheep. Visited the camp in July last. His brother had six horses at Rudy's The witness got five of them. Rudy keeping the other for keeping the bunch; never got any of the sheep back; thought the brother was a man of sound mind; never heard any-

CHARGED WITH MURDER

thing to the contrary; has never heard of him since.

Thomas Barnard, another brother, who lives in Benjamin, said the last time he saw his brother was in March, 1892, at Frank Rudy's. He searched for his brother in the vicinity of Coaliville in 1892 and 1893, but could hear nothing of him. He was a man of sound mind, in witness' opinion. He can mothing of him. He was a man of sound mind, in witness' opinion. He witness, understood that Englebretzen and Rudy had thrashed him just prior to the time he disappeared.

Orson W. Rudy, an uncle of willing and brother of Frank, said Barnard worked for him. The last time he saw him was in July, 1892, at the camp in Emigration canyon. This was about two weeks before Barnard disappeared. Witness corroborated the testimony given regarding the condition of the camp after Barnard disappeared, and testified as to the clothing left in the tent. Barnard had evidently put on clean clothes before he went away.

The preliminary examination of Willis Rudy and young Burnett Englebretzen charged with the murder of Albert Barnard in July, 1892, began vesterday before Commissioner Pratt. Owing to limited accommodations in the office of the commissioner the hearing was had in the office of County Attorney Whittemore in the joint building.

Nearly all the population of North Point were present.

Judge Dey appeared for Rudy, Attorney Whittemore in the joint building.

Nearly all the population of North Point were present.

Judge Dey appeared for Rudy, Attorney Hurd for Englebretzen, while

road. Nathan Haysen testified that he Judge Dey appeared for Rudy, Attorney Hurd for Englebretzen, while Whittemore and Harrington prosecuted.

The evidence was of a conflicting, vague and unsatisfactory character, most of the witnesses having very poor memories.

The following is a synopsis of the testimony:

Nathan Hapsen testified that he knew Barnard; had a talk with Willis and there was a row, but, according to the witness, gave no details, save that Barnard got the best of him once, but "he got away from him."

The witness showing a reluctance to reply Attorney Whitemore sharply went after him, after which he braced up and in a beight sort of way said there was a row, but, according to the witness, gave no details, save that Barnard got the best of him once, but "he got away from him."

he knew nothing more than he had Gus Hogleson of Lake View, the first said.

Orson Rudy, recalled, said that Wil-

told Englebretzen that the Rudys had compelled him to carry coal from George Kellogg's engine to their house. Over this, Rudy picked up a quarrel and in Emigration canyon they had a fight, and they beat him and left him in the canyon. Englebretzen also told him that they (Rudy and he) had given Barnard a thrash-

and he) had given Barnard a thrashing.
On cross-examination witness said that Englebretzen said Rudy spurred Barnard in the head.

Mr. Whittemore at this point asked for an adjournment for a week in order to obtain witnesses. One of them was in western Utah or eastern Nevada and could not get here.
Judge Dey objected, but his objections were not very strong and tha court set the further bearing of the case for next Monday. OFFICER LUND'S DIAMOND. If the person who found Police Offices Lund's diamond will take it to No. 457. Main street instead of No. 437, as previously applied to, he will receive 110 re-

ber; Evans, of Utah; Farr, Hammond,
Havnes, Halliday, Johnson, Kimball,
of Salt Lake; Maeser, Morris, Murdock,
of Wassitch; Preston, Ricks, Roberts,
Sharp, Thoresen, Thorne, Thurman,
Whitney.—36.
Absent—Adams, Buys, Cushing, Eldredge, Francis, Gibbs, Goodwin, Mart,
Hughes, Kiesel, Keith, Kearns, Kerr,
Hughes, Kiesel, Keith, Kearns, Kerr,
C. P. Larson, Lewis, William Lowe,
Low, of Cache; Mackintosh, Maughan,
Miller, Moritz, Peters, Pirce, Italeigh,
Richards, Ryan, Shurtiiff, Spencer,
Strevell, Van Horn, Warrum—27.
Ricks and Kimball, of Salt, voted no
in order to move a reconsidentian.
At 5:45 the convention adjourned.

A Portugese maxim: "A good breakfast a good husband." American husbands are the best. Their wives use
Press Baking Powder in breakfast
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TRANSFERRING THE COURTS.

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Mr. G. Callloucite, druggist, Beaverville, Ill., says: "To Dr. King's New Discovery I owe my life. Was taken with la grippe and tried all the physicians for miles about, but of no avail steinis for miles about, but of no avail and was given up and told I could not live. Having Dr. King's New Dis-covery in my store I sent for a bottle and began its use and from the first dose began to get better, and after using three bottles was up and about

again. It is worth its weight in We won't keep store or house wi it." Get a free trial at Z. C. I drug department.

HIS FIFTY-FIRST BIRTHDAY. Friends of Dr. Benedict Wish Him Many Happy Returns of the Same

Yesterday was the fifty-tirst anniversary of the birth of Dr. Benedict, John Halford, of Bountiful, who lived next to Rudy's ranch, testified that Willis Rudy told him that "Old Albert would never trouble North Polit any more." Barnard lived with Rudy. Witness was not sure of the date.

H. W. Spencer, of this city, said he was at William Naylor's ranch in the date was at William Naylor's ranch in the date was at William Naylor's ranch in the score of the misc. Frof. Wella render-nished the music. Frof. Wella render-nished the music. Frof. Wella render-nished the music.

Ayer's Hair Vigor.

"Nearly forty years ago, after some weeks of sickness, my hair turned gray. I began using Ayer's Hair Vigor, and was so well satisfied with the results that I have never tried any other kind of dressing. It requires only

an occasional application of D. S. C. AYER'S Hair Vigor to keep my hair of good

color, to remove dandruff, to heal itching humors, and prevent the hair from falling out. I never hesitate to recommend Ayer's medicines tomy friends,"-Mrs. H. M. HAIGHT,



Prepared by Dr. J. C. Ayer & Co., Lowell, Mass Take Ayer's Sarsaparilla for the Complex